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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,871	11/16/2006	Lars Dohse	20496-491	2028
21890	7590	07/20/2009		
PROSKAUER ROSE LLP			EXAMINER	
PATENT DEPARTMENT			ISLAM, SYED A	
1585 BROADWAY				
NEW YORK, NY 10036-8299			ART UNIT	PAPER NUMBER
			3611	
			MAIL DATE	DELIVERY MODE
			07/20/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,871	<b>Applicant(s)</b> DOHSE ET AL.
	<b>Examiner</b> SYED A. ISLAM	<b>Art Unit</b> 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 June 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

2. Applicant's arguments, see page 6, filed 10/10/2008, with respect to the rejection(s) of claim(s) 1-22 and 24 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference in the record.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkman et al. (US 2004/0250459) in view of Liener Chin et al. (6,632,042) and Brinnkman et al. (6,105,295).

Regarding claims 1, 2, 5, 6, 9-16, 18-20 and 22-24, Brinkman et al. disclose means for fastening, securing or clamping goods 38 (**see figure 1**) or for securing a person, such as a load strap, support strap, tie member, rope, safety harness or the like, with an information medium permanently attached thereto (**see para 0016, lines 8-12**), wherein the means for fastening 38 is rigidly connected to the information medium;

wherein only a portion (see figure 1) of the information medium is connected directly to the fastening or clamping means 38.

However, Brinkman et al. fail to disclose wherein the information medium consists of at least one identification medium; wherein the identification medium is readable; wherein the identification medium is a label provided with information; wherein the identification medium is machine-readable. Instead, Brinkman et al. (6,105,295) disclose the information medium consists of at least one identification medium 25 (col. 4, line 9; see fig. 6); wherein the identification medium is readable; wherein the identification medium is a label provided with information (see fig. 6); wherein the identification medium is machine-readable (col. 4, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Brinkman et al. (6,105,295) in the invention of Brinkman et al. because it is less expensive to manufacture.

However, Brinkman et al. fail to disclose an insert having high tear strength; wherein the insert is strip-shaped; the insert acts on both sides as a carrier of identification media; wherein the identification medium is rigidly connected, especially sewn and/or riveted and/or glued, to the insert; wherein the identification medium is carried by the insert; and a protective casing; wherein the protective casing is a tube or a film; wherein the protective casing is made of plastics material, especially of polyethylene (PE) or of polyvinyl chloride (PVC); wherein the protective casing is transparent, which surrounds at least the identification medium; wherein the protective casing is formed as a protective layer with which the identification medium is covered;

wherein the protective layer is a flexible plastics material; wherein all layers of the information medium are surrounded by the protective casing, wherein the protective casing is made of a UV-resistant material. Instead, Liener Chin et al. discloses an insert 908 (col. 11, line 45; see fig. 23) having high tear strength; wherein the insert is strip-shaped; the insert acts on both sides as a carrier of identification media (see fig. 22); wherein the identification medium 904 (col. 11, line 45; see fig. 23) is rigidly connected, especially sewn and/or riveted and/or glued, to the insert; wherein the identification medium is carried by the insert, and a protective casing 910 (col. 11, line 57; see fig. 23); wherein the protective casing is a tube or a film; wherein the protective casing is made of plastics material, especially of polyethylene (PE) or of polyvinyl chloride (PVC) (col. 12, lines 40-50); wherein the protective casing is transparent (see fig. 24), which surrounds at least the identification medium (see fig. 24); wherein the protective casing is formed as a protective layer with which the identification medium is covered (see fig. 24); wherein the protective layer is a flexible plastics material; wherein all layers of the information medium are surrounded by the protective casing, wherein the protective casing is made of a UV-resistant material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Liener Chin et al. in the invention of Brinkman et al. because it is simple and inexpensive to manufacture.

Regarding claims 3 and 4, Brinkman et al. fail to disclose the means for fastening is sewn to the information medium, glued and/or riveted to the information medium. However, Brinkman et al. disclose the means for fastening are rigidly connected and also modification of this are apparent to one of ordinary skill in the art. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of invention to sew or glue or rivet the information medium to the means for fastening because it is simple and inexpensive.

Regarding claims 7 and 8, Brinkman et al. fail to disclose the insert has a higher tear strength than the identification medium; wherein the insert consists of a technical textile, especially a fabric. Liener Chin et al. disclose of an insert but fails to disclose the insert has a higher tear strength than the identification medium; wherein the insert consists of a technical textile, especially a fabric. However, Liener Chin et al. disclose any modification regarding size, shape and material of the insert are apparent to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use a fabric because it is simple and inexpensive.

Regarding claim 21, Brinkman et al. fail to disclose the flexible plastics material is a silicone or polyurethane. However, Brinkman et al. disclose the flexible plastics material is a PVC but any modification regarding the material are apparent to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use any material as desired since it is simple and inexpensive.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkman et al. in view of Liener Chen et al. and Brinkman et al. (6,105,295) as applied to claim 1 above, and further in view of Larsen (4,773,175).

Regarding claim 17, Brinkman et al. as modified fail to disclose the identification medium is a transponder. However, Larsen discloses the identification medium 140 (col.

9, line 37; see fig. 14) is a transponder 180 (col. 9, line 37; see fig. 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Larsen in the invention of Brinkman et al. because it is simple and inexpensive.

**Conclusion**

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED A. ISLAM whose telephone number is (571)272-7768. The examiner can normally be reached on Monday-Friday 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. I./  
Examiner, Art Unit 3611

/Lesley D. Morris/  
Supervisory Patent Examiner, Art Unit 3611